

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THERESA M. OWENS,

Plaintiff,

v.

CIVIL ACTION No. 04-11562 (JLT)

ELI LILLY AND COMPANY,

Defendant.

**AFFIDAVIT OF ASHLEY A. WEAVER
IN SUPPORT OF ELI LILLY AND COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

I, Ashley A. Weaver, being first sworn on oath, say that the following is true and correct and made on personal knowledge:

1. I am an attorney at Foley Hoag LLP, counsel for Eli Lilly and Company ("Lilly") in this action. I am duly admitted to practice in the District of Massachusetts.
2. Attached as Exhibit 1 is a true copy of the Complaint in this action
3. Attached as Exhibit 2 is a true copy of Theresa M. Owens' Answers to Defendant Eli Lilly and Company's First Set of Interrogatories.
4. Attached as Exhibit 3 is a true copy of a June 21, 1993 letter from Dr. Merle Berger to Mr. and Mrs. Owens.
5. Attached as Exhibit 4 is a true copy of excerpts from the deposition transcript of Dr. Merle Berger.
6. Attached as Exhibit 5 is a true copy of a February 8, 1993 letter from Dr. Merle Berger to Dr. Anne Goulart.

7. Attached as Exhibit 6 is a true copy of excerpts from the deposition transcript of Theresa Owens.

8. Attached as Exhibit 7 is a true copy of excerpts from the results of Internet searches at <http://www.yahoo.com> and <http://www.google.com> relating to DES and infertility.

9. Attached as Exhibit 8 are true copies of the results of an Internet Archive search, performed at <http://www.archive.org>, for the DES Action web site and results of searches of the archived web pages of www.desaction.org relating to DES, infertility, and attorney referrals for legal claims against DES manufacturers.

10. Attached as Exhibit 9 is a true copy of "Making Babies: More than a million couples seek treatment for infertility each year," Time Magazine, September 30, 1991.

11. Attached as Exhibit 10 is a true copy of "Women, DES and Decades of Desolation," USA Today, November 25, 1991.

12. Attached as Exhibit 11 is a true copy of Julie Kimball, *Quilt, Dreams Weave A New Story*, BOSTON GLOBE, February 8, 1999.

13. Attached as Exhibit 12 is a true copy of Nathan Cobb, *A Net Gain For Motherhood - Hopeful Parents Using Web To Locate A Surrogate Mom*, BOSTON GLOBE, June 1, 1998.

14. Attached as Exhibit 13 is a true copy of *Ask Your Mother*, BOSTON GLOBE, June 11, 1995.

15. Attached as Exhibit 14 is a true copy of Beverly Beckham, *Op-Ed, Still Learning From DES Flaws*, BOSTON HERALD, Jan. 17, 1996.

16. Attached as Exhibit 15 is a true copy of excerpts from the results of an Internet search at <http://www.pubmed.com> relating to DES and infertility.

17. Attached as Exhibit 16 is a true copy of the Indices of Popular Literature and citations therein to diethylstilbestrol.

18. Attached as Exhibit 17 is a true copy of the results of a search of Massachusetts media sources conducted at <http://www.westlaw.com> relating to DES.

19. Attached as Exhibit 18 is a true copy of 11 Get \$42.3M In DES Lawsuit, BOSTON GLOBE, January 9, 1994.

20. Attached as Exhibit 19 is a true copy of News In Brief, *DES Women Awarded \$42.3M*, BOSTON HERALD, Jan. 9, 1994.

21. Attached as Exhibit 20 is a true copy of the slip opinion in *Roberge v. Eli Lilly and Co.*, No. 03-CV-01008 (D. D.C. Mar. 11, 2005).


Ashley A. Weaver

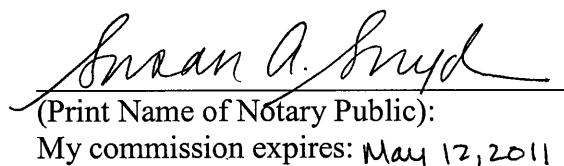
COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss.

On this 1st day of February, 2006, before me, the undersigned Notary Public, personally appeared the above-named Ashley A. Weaver, proved to me by satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



SUSAN A. SNYDER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 12, 2011


(Print Name of Notary Public):
My commission expires: May 12, 2011